

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ANTHONY STEWART,  
Plaintiff,

v.

JONAH SCHREINER, et al.,  
Defendants.

Case No. 2:23-cv-00277-MMD-NJK

**ORDER and  
REPORT and RECOMMENDATION**

**I. Discussion**

On June 20, 2024, the Court issued a Screening Order and Report and Recommendation, Docket No. 14, screening Plaintiff's First Amended Complaint ("FAC"), ECF No. 9, recommending that Plaintiff's claims against Sergeant John Doe and the City of Las Vegas be dismissed with leave to amend and allowing claims to proceed against Defendants Jonah Lee Schreiner, Nicolette Joy Hawkins, and Defendant John Doe Intake Officer. The Report and Recommendation further recommended that Plaintiff's claims against Clark County Detention Center be dismissed with prejudice. Finally, the order found that the FAC failed to state a colorable claim against the State of Nevada. Plaintiff was given until July 15, 2024, to file a second amended complaint.

Plaintiff has not filed a second amended complaint. Accordingly, the FAC will proceed as the active complaint on the following claims only: (1) Fourth Amendment excessive force against John Doe Intake Officer, when in violation of § 1983; (2) Fourth Amendment false arrest, false imprisonment, and malicious prosecution in violation of § 1983; and (3) false arrest, false imprisonment, and malicious prosecution in violation of Nevada State Law against Defendants Hawkins and Schreiner.

1 **II. ORDER and RECOMMENDATION**

2 For the reasons discussed above, it is ordered that pursuant to the Court's screening order,  
 3 Docket No. 14, this action will proceed on the following claims only: (1) Fourth Amendment  
 4 excessive force against John Doe Intake Officer in violation of § 1983; (2) Fourth Amendment  
 5 false arrest, false imprisonment, and malicious prosecution in violation of § 1983; and (3) false  
 6 arrest, false imprisonment, and malicious prosecution in violation of Nevada State Law against  
 7 Defendants Hawkins and Schreiner.

8 It is further ordered that the Clerk of the Court add Defendant John Doe Intake Officer to  
 9 the docket caption.

10 It is further **RECOMMENDED** that, pursuant to the Screening Order, Docket No. 14, all  
 11 claims against Defendants State of Nevada, LVMPD, and Clark County Detention Center be  
 12 **DISMISSED with prejudice.**

13 It is further **RECOMMENDED** that all claims against the City of Las Vegas and Sergeant  
 14 John Doe be **DISMISSED without prejudice.**

15 **IT IS SO ORDERED.**

16 Dated: August 15, 2024.

17   
 18 Nancy J. Koppe  
 United States Magistrate Judge

19 **NOTICE**

20 This report and recommendation is submitted to the United States District Judge assigned to this  
 21 case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation  
 22 must file a written objection supported by points and authorities within fourteen days of being  
 23 served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely  
 24 objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153,  
 25 1157 (9th Cir. 1991).  
 26  
 27  
 28